

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA)	CASE NOS. CR03-3089, CR03-3090, CR03-3091
VERSUS)	
LEE BOYD MALVO a/k/a)	INDICTMENT - CAPITAL MURDER (2
John Lee Malvo)	Counts) and USING A FIREARM IN THE
		COMMISSION OF A FELONY

On September 17, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

This case came before this Court today for argument on the Defendant's motions. The Court ruled as follows on each motion:

1. The Motion to Seal Mental Health Reports from Commonwealth Review Prior to Any Conviction of a Capital Offense is **denied**. The defendant is to disclose to the Commonwealth the report of his mental health expert by September 19, 2003.
2. The Motion for a Bill of Particulars as to the Charge of Capital Murder Under Virginia Code §18.2-31 (13) is **granted**. The Commonwealth shall file a Bill of Particulars by September 19, 2003, specifying which subsection of the definition of "act of terrorism" in Code §18.2-46.4 it is proceeding under.
3. The Motion to Preclude the Commonwealth from Seeking the Death Penalty Where Defendant was a Juvenile at the Time of the Offense Because Execution of Juveniles Violates International Law and American Treaty Commitments is **denied**.
4. The Motion to Order Sound Enhancement of the Untranscribed Portion of Audiotape of the Interrogatories of the Defendant is **continued** to the next hearing date.

5. The Motion for Disclosure of Discovery Materials: DNA and Handwriting Analysis Documents is **continued** to the next hearing date.

The Defendant was remanded to the custody of the Sheriff.

Entered on September 25, 2003.

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JANE MARUM ROUSH
JUDGE DESIGNATE